THE HYDERABAD SHOPS AND ESTABLISHMENTS ACT, 1951.

No. X OF 1951.

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*THE HYDERABAD SHOPS AND ESTABLISHMENTS ACT, 1951.

No. X OF 1951.

An Act to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes.

Whereas it is expedient to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Shops and Establishments Act, 1951. Short title, extent and commencement.

(2) This section shall come into force at once.

(3) The State Government may, from time to time, by notification direct that the remaining provisions of this Act shall come into force on such date and in such area as may be specified in the notification.

CHAPTER I.

Preliminary.

2. In this Act, unless there is anything repugnant in the subject or contex— Definitions.

(1) "apprentice" means a person who is employed, whether on payment of wages or not, for the purpose of being trained in any trade, craft or employment in any establishment;

(2) "Chief Inspector" means the Chief Inspector appointed as such under section 38;

(3) "child" means a person who has not completed twelve years;

(4) "closed" means not open for the service of any customer or for any business connected with the establishments;

(5) "commercial establishment" means an establishment which s not a shop but which carries on the business of advertising, commission forwarding or commercial agency, or which is a clerical department of a factory or industrial undertaking or

*Published in the Extraordinary Gazette No. 9, dated 28th February, 1951.

which is an insurance company, joint stock company, bank, broker's office or exchange and includes such other establishment as the State Government may by notification declare to be a commercial establishment for the purposes of this Act;

(6) "day" means the period of twenty-four hours beginning at midnight:

Provided that in the case of a person employed, whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(7) "employer" means a person owning, or having charge of, the business of an establishment and includes the manager, agent, or other person acting in the general management or control of an establishment;

(8) "establishment" means a shop, commercial establishment, restaurant, eating-house, residential hotel, theatre or any place of public amusement or entertainment and includes such establishment as the State Government may by notification declare to be an establishment for the purposes of his Act;

*[(9) "factory" means any premises which are a factory within the meaning of clause (*m*) of section 2 of the Factories Act, 1948 (LXIII of 1948), or which is declared to be a factory under section 4 of that Act;]

(10) "Inspector" means an Inspector appointed under section 38;

(11) "notification" means a notification in the Jarida;

(12) "opened" means opened for the service of any customer;

(13) "periods of work" means the time during which a person employed is at the disposal of the employer;

(14) "person employed" means—

(*i*) in the case of a shop, a person wholly or principally employed therein in connection with the business of the shop;

(*ii*) in the case of a factory or an industrial undertaking, a member of the clerical staff employed in such factory or undertaking;

(*iii*) in the case of a commercial establishment other than a clerical department of a factory or an industrial undertaking, a person wholly or principally employed in connection with the business of the establishment, and includes a peon;

*Substituted by Act No. XXX of 1952, published n Gazette Extraordinary No. 126, dated 25th July, 1952.

(*iv*) in the case of a restaurant or eating-house, a person wholly or principally employed in the preparation or the serving of food or drink or in attendance on customers or in cleaning utensils used in the premises or as a clerk or cashier;

(*v*) in the case of a theatre, a person employed as an operator, clerk, door-keeper, usher or in such capacity as may be specified by the State Government by general or special order;

(*vi*) in the case of an establishment not falling under paragraphs (*i*) to (*v*) a person wholly or principally employed in connection with the business of the establishment and includes a peon;

(*vii*) in the case of all establishments an apprentice or any person wholly or principally employed in cleaning any part of the premises; but does not include the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;

(15) "prescribed" means prescribed by rules made under this Act;

(16) "residential hotel" means any premises in which business is carried on *bona fide* for the supply of dwelling accommodation and meals on payment of a sum of money to a traveller or any member of the public;

(17) "restaurant" or "eating-house" means any premises in which is carried on wholly or principally the business of the supply of refreshments or meals to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre;

(18) "shop" means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store-rooms, godowns and warehouses, whether in the same premises or otherwise, used in connection with such business but does not include a restaurant, eating-house or commercial establishment;

(19) "theatre" includes any place intended principally or wholly for the presentation of moving pictures or for dramatic performances;

(20) "wages" means wages as defined in the *[Payment of Wages Act, 1936 (IV of 1936)];

(21) "week" means a period of seven days beginning at midnight on Saturday;

(22) "young person" means a person who is not a child and has not completed seventeen years.

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*Substituted by Act No. XXX of 1952, published in Gazette Extraordinary No. 126, dated 25th July, 1952.

Reference to time of day.

3. References to time of day in this Act are references to Indian Standard Time.

Exemption.

4. (1) Nothing contained in this Act shall apply to—

(*a*) persons employed in any establishment in a position of management;

(*b*) persons whose work involves travelling and persons employed as watchmen, canvassers and caretakers;

(*c*) establishments under the Union and State Governments, local authorities, and cantonment authorities;

(*d*) establishments in mines;

(*e*) establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding one month at a time;

(*f*) hospitals and other institutions for the treatment or care of the sick, the infirm, the destitute or the mentally unfit;

(*g*) establishments in banks.

(2) Nothing contained in section 7 or section 13, as the case may be, shall apply to—

(*a*) such chemists' or druggists' shops as the State Government may by general or special order specify;

(*b*) clubs and residential hotels, hostels attached to schools or colleges, and establishments maintained in connection with the boarding and lodging of pupils and resident masters;

(*c*) stalls and refreshment rooms at railway stations or air ports;

(*d*) establishments wholly or principally engaged in the sale of ice, aerated waters or funeral requisites.

Power of Government to apply Act to exempted persons or establishments.

5. Notwithstanding anything contained in section 4, the State Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clause (*c*) of sub-section (1), and modify or cancel any such notification.

Exemptions

6. The State Government may, by notification, exempt either permanently or for any specified period, any establishment or class of establishments, or person or class of persons, from all or any of the provisions of this Act, subject to such conditions as the State Government deem fit.

CHAPTER II.

SHOPS.

Opening and closing hours of shops.

7. (1) No Shop shall on any day be opened earlier or closed later than such hour as may be fixed by the State Government, by a general or special order in that behalf:

Provided that any customer who was being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the half hour immediately following such hour.

(2) Before passing an order under sub-section (1), the State Government shall hold an inquiry in the prescribed manner.

(3) The State Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

Selling outside shops prohibited after closing hours.

8. No person shall carry on, in or adjacent to a street or public place, the sale of any goods after the hour fixed under section 7 for the closing of shops dealing in the same class of goods in the locality in which such street or public place is situated:

Provided that nothing in this section shall apply to the sale of newspapers.

Daily and weekly hours of work in shops.

9. (1) Subject to the provisions of this Act, no person employed in any shop shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week excluding the interval for rest allowed under sub-section (2):

Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under this sub-section subject to payment of over-time wages if the period of work excluding such interval for rest but including over-time work does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any shop shall be required or allowed to work therein for more than five hours in any day unless he has had an interval for rest of at least one hour:

Provided that any customer who was being served at the end of the five-hour work period may be served during the half-hour immediately following the end of the said work period.

Spread over of periods of work.

10. The periods of work of a person employed in a shop shall be so arranged that along with his intervals for rest they shall not spread over more than twelve hours in any day.

Closing of shops and grant of holidays.

11. (1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shop keepers in a notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shopkeeper more often than once in three months.

(2) Every person employed in a shop shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorised leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1) to an additional holiday.

(3) No deduction shall be made from the wages of any person employed in a shop on account of any day on which it has remained closed or a holiday has been allowed in accordance with this section ; and if such person is employed on the basis that he would not ordinarily receive wages for such day he shall none-the-less be paid for such day the wages he would have drawn, had the shop not remained closed, or had the holiday not been allowed, on that day.

CHAPTER III.

Establishments other than Shops.

Application of this Chapter to establishments other than shops.

12. The provisions of this Chapter shall apply only to establishments other than shops.

Opening and closing hours.

13. (1) No establishment shall on any day be opened earlier or closed later than such hour as may be fixed by the State Government by general or special order in that behalf :

Provided that in the case of a restaurant or eating-house, any customer who was being served or was waiting to be served therein at the hour fixed for its closing may be served during the half hour immediately following such hour.

(2) Before passing an order under sub-section (1) the State Government shall make an inquiry in the prescribed manner.

(3) The State Government may, for the purposes of this section, fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

Daily and weekly hours of work.

14. (1) Subject to the provisions of this Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week excluding the interval for rest allowed under sub-section (2) :

Provided that any such person may be allowed to work in such establishment for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work excluding such interval for rest but including over-time work does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any establishment shall be required or allowed to work in such establishment for more than five hours in any day unless he has had an interval for rest of at least one hour:

Provided that any customer who was being served at the end of the five-hour work period may be served during the half hour immediately following the end of the said work period.

Spread over of periods of work.

15. The periods of work of a person employed in an establishment shall be so arranged that along with his intervals for rest, they shall not spread over more than twelve hours in any day.

Holidays.

16 (1) Every person employed in any establishment shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorized leave, is less than six days.

(2) No deduction shall be made from the wages of any person employed in any establishment on account of any day on which a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day, he shall nonethe-less be paid for such day the wages he would have drawn had the holiday not been allowed on that day.

CHAPTER IV.

Employment of Children and Young Persons.

Children not to work in establishments.

17. No child shall be required or allowed to work in any establishment.

Young persons to work only between 6 a. m. and 7 p. m.

18. No young person shall be required or allowed to work in any establishment before 6 a.m. and after 7 p.m.

Daily and weekly hours of work for young persons.

19. Notwithstanding anything contained in this Act, no young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week excluding any interval for rest nor shall person be allowed to work overtime.

CHAPTER V.

Holidays with Wages.

Holidays and sick leave.

20. (1) Every person employed in any establishment shall be entitled, after twelve months' continuous service, to holidays with wages for a period of twelve days, in the subsequent

period of twelve months, provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

(2) Every person employed in any establishment shall also be entitled during his first twelve months of continuous service after the commencement of this Act, and during every subsequent twelve months of such service—

(*a*) on production of a medical certificate granted by a medical practitioner of prescribed qualifications, to leave with wages for a period not exceeding twelve days on the ground of any sickness incurred or accident sustained by him, and

(*b*) to casual leave with wages for a period not exceeding twelve days on any reasonable ground.

(3) Every person employed in any establishment shall also be entitled to holidays with pay on the days specified from time to time by the State Government by notification.

(4) If a person entitled to any holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay the amount payable under this Act in respect of the holidays.

(5) If a person entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (4).

(6) A person employed shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (*i*) by sickness, accident, or authorized leave (including authorized holidays), not exceeding ninety days in the aggregate for all three, or (*ii*) by a lock-out; or (*iii*) by a strike which is not an illegal strike; or (*iv*) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorized leave shall be deemed not to include any weekly holiday allowed under this Act which occurs at the beginning or end of interruption brought about by the leave.

Pay during annual holidays.

21. Every person employed shall, for the holidays or the period of the leave allowed under sub-section (1) or (2) or (3) of section 20, be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months exclusive of any earnings in respect of overtime.

22. Notwithstanding anything contained in section 20, the State Government may, by notification, increase the total number of annual holidays and the maximum number of days up to which such holidays may be accumulated in respect of any establishment or class of establishments. Power to increase the number of holidays.

23. Any Inspector may institute proceedings on behalf of any person employed to recover any sum required to be paid under this Chapter by an employer which he has not paid. Power of Inspector to act for person employed.

CHAPTER VI.

Wages.

24. Every employer shall be responsible for the payment to persons employed by him of all wages and sums required to be paid under this Act. Responsibility for payment of wages.

25. (1) Every employer shall fix periods (in this Act referred to as wage periods) in respect of which such wages shall be payable. Fixation of wage period.

(2) No wage period shall exceed one month.

26. Where any person employed in any establishment is required to work overtime, he shall be entitled, in respect of such overtime work, to wages at one and half times the ordinary rate of wages. Wages for overtime work.

Explanation.—For the purpose of this section the expression "ordinary rate of wages" shall mean such rate of wages as may be calculated in the manner prescribed.

27. (1) The wages of every person employed shall be paid before the expiry of the fifth day after the last day of the wage period in respect of which the wages are payable. Time of payment of wages.

(2) Where the employment, of any person is terminated by or on behalf of the employer, the wages, earned by such person shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The State Government may, by general or special order, exempt an employer from the operation of this section in respect of the wages of any person employed or class of persons employed to such extent and subject to such conditions as may be specified in the order.

(4) All payments of wages shall be made on a working day.

28. All wages shall be paid in current coin or currency notes or in both. Wages to be paid in current coin or currency notes.

Deductions which may be made from wages.

29. (1) The wages of a person employed shall be paid to him without deductions of any kind except those authorized by or under this Act.

Explanation.—Every payment made by a person employed to the employer shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely :—

(*a*) fines ;

(*b*) deductions for absence from duty ;

(*c*) deductions for damage to, or loss of, goods expressly entrusted to the employed persons for custody or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;

(*d*) deductions for house accommodation supplied by the employer ;

(*e*) deductions for such amenities and services supplied by the employer as the State Government may by general or special order, authorize ;

(*f*) deductions for recovery of advances or for adjustment or overpayments of wages ;

(*g*) deductions of income-tax payable by the employed person ;

(*h*) deduction required to be made by order of a court or other authority competent to make such order ;

(*i*) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act, 1357 F., applies or any recognised provident fund as defined in section 58-A of the Indian Income-tax Act, 1922, or any provident fund approved in this behalf by the State Government during the continuance of such approval ;

(*j*) deductions for payments to Co-operative Societies approved in this behalf by the State Government or to a scheme of insurance maintained by any insurance company approved in this behalf by the State Government ;

(*k*) deductions made with the written authorization of the employed person in furtherance of any savings scheme approved by the State Government for the purchase of securities of the Union or State Government.

Fines.

30. (1) No fine shall be imposed on any person employed save in respect of such acts and omissions on his part as the employer, with the previous approval of the State Government or of the prescribed authority, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on.

(3) No fine shall be imposed on any person employed until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage period on any person employed shall not exceed an amount equal to half-an-anna in the rupee of the wages payable to him in respect of that wage period.

(5) No fine shall be imposed on any person employed who has not completed his fifteenth year.

(6) No fine imposed on any person employed shall be recovered from him after the expiry of sixty days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed; and all such realizations shall be applied only to such purposes beneficial to the persons employed in the establishment as are approved by the prescribed authority.

Explanation.—When the persons employed are part only of a staff employed under the same management, all such realizations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

Deductions for absence from duty.

31. (1) Deductions may be made under clause (*b*) of sub-section (2) of section 29 only on account of the absence of an employed person from the place or places where, by the terms of his employement, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage period during which by the terms of his employment, he was required to work:

Provided that, subject to any rules made in this behalf by the State Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say, without giving the notice which is required under the terms of their contract of employment), and without reasonable cause,

such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

Explanation.—For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work if, although present in such place, he refuses, in pursuance of a stay-in-strike or for any other cause which is not reasonable in the circumstances, to carry out his work.

Deductions for damage or loss.

32. (1) A deduction under clause (*c*) of sub-section (2) of section 29 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the person employed and shall not be made until the person employed has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(2) All such deductions and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed.

Deduction for services rendered.

33. A deduction under clause (*d*) or clause (*e*) of sub-section (2) of section 29 shall not be made from the wages of a person employed unless the house accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under the said clause (*e*) shall be subject to such condition as the State Government may impose.

Deductions for recovery of advances.

34. Deduction under clause (*f*) of sub-section (2) of section 29 shall be subject to the following conditions, namely :—

(*a*) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage period, but no recovery shall be made of such advances given for travelling expenses ;

(*b*) recovery of advances of wages not already earned shall be subject to any rules made by the State Government regulating the extent to which such advances may be given and the instalments by which they may be recovered.

Deductions for payment to co-operative societies and insurance schemes.

35. Deductions under clauses (*f*) and (*k*) of sub-section (2) of section 29 shall be subject to such conditions as the State Government may impose.

Conditions of Dismissal.

36. (1) No employer shall, except for misconduct, dispense with the services of an employee who has been in his continuous employment for a period of not less than six months (including the part of the period, if any, before the commencement of this Act), without giving such employee a gratuity

amounting to 15 days average wages for each year of continuous service, subject to a maximum of average wages for 15 months.

Explanation.—For the purpose of this sub-section—

(*a*) wages shall not include overtime wages;

(*b*) "average wages" shall mean the average of the wages during the last three years of continuous service or if such service does not exceed three years during the total period of continuous service; and

(*c*) where the total continuous service is for a fraction of a year, or extends over a fraction of a year in addition to a complete year or years of continuous service, such fraction, if it is not less than half, shall be counted as a year of continuous service, in calculating the total number of years for which gratuity is to be given.

*[(1-A) Where gratuity is payable to an employee under sub-section (1), the employee shall be entitled to receive his wages, until the date on which the gratuity so payable is actually paid:

Provided that where there is a dispute as to the amount of gratuity so payable the Chief Inspector shall determine such amount and shall also decide for what period not exceeding one month and at what daily rate the wages shall be paid:

Provided further that the decision of the Chief Inspector shall be final and binding on both the employer and the person employed.]

(2) The services of an employee shall not be dispensed with for misconduct except in such manner and subject to such conditions and for such acts or omissions as may be prescribed either generally or in respect of any establishment or class of establishments.

*[(3) Notwithstanding anything contained in sub-section (1) an employee whose age is not less than 60 years and who quits his employment after giving the notice provided for in section 37 shall be entitled to receive gratuity and wages provided for in sub-sections (1) and (1-A) to the same extent and subject to the same conditions as an employee whose services have been dispensed with otherwise than for misconduct, is entitled to receive under the said sub-sections.]

Employment for a period of not less than six months not to be given up without notice.

37. (1) No employee who has been in continuous employment for a period of not less than six months (including the part of the period, if any, before the commencement of this Act,) shall give up his employment without giving to his employer notice of at least one month.

(2) An employee who quits his employment in contravention of the provisions of sub-section (1) shall be liable to

*Added by Act No. XXX of 1952, published in Gazette Extraordinary No. 126, dated 25th July, 1952.

forfeiture of any unpaid wages due to him subject to a maximum of wages for fifteen days.

*[37–A. The provisions of section 15 of the Payment of Wages Act, 1936 (IV of 1936), shall *mutatis mutandis* apply to claims arising out of deductions from wages payable under this Act, delay in payment of such wages and penalty for malicious and vexatious claims in respect of such wages and reference to an Inspector under the said Act, in the said section shall be deemed to be reference to an Inspector appointed under this Act.]

CHAPTER VII.

Appointment, Powers and Duties of Chief Inspector and Inspectors.

Appointment of Inspectors and Chief Inspector.

38. (1) The State Government shall appoint a Chief Inspector and such Inspectors as may be necessary for the purpose of carrying out the provisions of this Act.

(2) In addition to any power conferred on the Chief Inspector by this Act, the Chief Inspector may exercise all the powers of an Inspector.

Powers and duties of Inspectors.

39. The Chief Inspector and any Inspector may at all reasonable hours enter into any premises which are, or which he has reason to believe are used for the purposes of an establishment, with such assistants and make such examination of the premises and of the prescribed registers, records, or notices as may be prescribed.

Chief Inspector and Inspectors to be public servants.

40. The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of sub-section (5) of section 6 of the Hyderabad Penal Code.

CHAPTER VIII.

Penalties for Offences.

Penalties.

41. (1) Any employer who contravenes any of the provisions of sections 7, 9 to 11, 13 to 21, 24 to 36 and 45 shall be punishable, for a first offence, with fine which may extend to twenty-five rupees, and for a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) Whoever contravenes, the provisions of section 8 shall be punishable, for a first offence, with fine which may extend to ten rupees, and for a second or subsequent offence with fine which may extend to one hundred rupees.

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*Added by Act No. XXX of 1952, published in Gazette Extraordinary No. 126, dated 25th July, 1952.

Penalty for obstructing Chief Inspector, Inspector, etc.

42. Any person who wilfully obstructs the Chief Inspector or any Inspector in the exercise of any power conferred on him under this Act or any person lawfully assisting the Chief Inspector or an Inspector in the exercise of such power, or who fails to comply with any lawful directions made by the Chief Inspector or an Inspector, shall be punishable with fine which may extend to two hundred and fifty rupees.

Cognizance of offences not to be taken by Court without complaint in writing by Chief Inspector or Inspector.

43. No court shall take cognizance of any offence under this Act or any rule or order made thereunder except on a complaint in writing by the Chief Inspector or an Inspector specifying the facts constituting such offence and made within six months of the date on which the offence is alleged to have been committed.

Offences to be tried by Courts not inferior to Second Class Magistrates.

44. No court inferior to that of a Magistrate of the Second Class shall try any offence against this Act or any rule or order made thereunder.

CHAPTER IX.

Miscellaneous.

Maintenance of registers and records and display of notices.

45. Subject to the general or special orders of the State Government, an employer shall maintain such registers and records and display such notices as may be prescribed.

Delegation of powers.

46. (1) The State Government may, by notification, authorise any officer or authority subordinate to them to exercise any one or more of the powers vested in them by or under this Act, except the power mentioned in section 47 subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the State Government or by such persons as may be empowered by them in that behalf. The State Government shall also have power to control and revise the acts or proceedings of any person so empowered.

Powers to make rules.

47. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In making a rule under sub-section (1) the State Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Jarida and on such publication shall have effect as if enacted in this Act.

Rights and privileges under other laws, etc., not affected.

48. Nothing contained in this Act, shall affect any rights or privileges which any person employed in any establishment is entitled to, on the date on which this Act comes into operation in respect of such establishment, under any other law, contract, custom, or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

Government to decide certain questions.

49. If any question arises whether all or any of the provisions of this Act, apply to an establishment or to a person employed therein or whether section 48 applies to any case or not, it shall be decided by the Government and their decision thereon shall be final and shall not be liable to be questioned in any court of law.

Power of Government to suspend provisions of the Act during fairs and festivals.

50. On any special occasion in connection with a fair or festival or a succession of public holidays, the State Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act.